

SPECIAL COMMITTEE ON RIVERFRONT ACTIVITIES & BASEBALL

May 3, 2004

5:15 PM

Chairman Lopez called the meeting to order.

The Clerk called the roll.

Present: Aldermen Lopez, Gatsas, Guinta, DeVries, Smith

Messrs.: T. Arnold, F. Thomas

Chairman Lopez addressed Item 3 of the agenda:

Communication from Deputy City Solicitor Arnold, on behalf of Frank Catapano, recommending approval for the release of a small parcel of land from the Master Lease with Manchester Downtown Visions, LLC with the intent that it be conveyed to Mr. Blouin.

Deputy Solicitor Arnold stated the plan that you have just been handed is a smaller version of the one that I have up on the board. As the Committee knows, the plan is to have an access road on to the riverfront parcel going back this way represented by the dotted line. South Bedford Street, a portion that has been discontinued contingent on getting easements from Mr. Blouin, is represented by the shaded area. In between the new road and the portion of one small part of South Bedford Street that is going to be discontinued there is a small triangle of land. It is presently labeled on this plan as access easement to Blouin by the City of Manchester. This small triangle of land is about 880 square feet. It is part of the Master Lease to Manchester Downtown Visions. As it is part of the Master Lease I am asking that we be given permission to exempt it from the Master Lease with the intent that it will be conveyed to Mr. Blouin either in fee or an access easement be conveyed to him so that the frontage of his land will all abut the proposed street. I would be happy to answer any questions.

Alderman Smith moved to approve the request. Alderman DeVries duly seconded the motion.

Alderman DeVries asked are all parties in agreement that this is the action that should be taken, meaning the hotel and the others.

Deputy Solicitor Arnold answered yes. We have had discussions about this with the hotel. Manchester Downtown Visions obviously wrote the letter to me that is attached to the agenda.

Alderman Guinta asked what happens if we do not vote for this.

Deputy Solicitor Arnold responded I guess it would depend. Obviously if at some time in the future as a result of their request to purchase this land they do purchase this land they could convey it to Mr. Blouin after they come into ownership. In the interim, I would simply have to tell Mr. Blouin that the Committee did not give us permission to remove it from the Master Lease and consequently the City cannot give him an access easement or convey the land.

Alderman Guinta asked so he needs it for access, correct.

Deputy Solicitor Arnold responded it would be handy for him to have it for access. As you can see, his triangle of land has commonly been referred to as represented here so he would still have access on to South Bedford Street except that would not continue down to his property line.

Alderman Guinta stated maybe I misunderstood but can you just very specifically explain why we need to take this action.

Deputy Solicitor Arnold responded Mr. Blouin has requested an access easement or fee for this small triangle of land in return for the easements that he is giving us over his larger triangle of land.

Alderman Gatsas asked Tom can you be a little bit more specific on what area Mr. Blouin still owns.

Deputy Solicitor Arnold answered Mr. Blouin owns of course his parcel to the north of South Bedford Street and he owns the triangle of land that is represented on this plan running from this area, which abuts South Bedford Street.

Alderman Gatsas stated correct me if I am wrong but isn't that the piece of property that we clandestinely voted on on a dark evening with the lights off in the bus for the closure of Bedford Street.

Deputy Solicitor Arnold responded I think I disagree with your characterization, but there was a vote to discontinue that portion...

Alderman Gatsas interjected which part do you disagree with, the lights being off on the bus and it being a cold and dark night.

Deputy Solicitor Arnold responded it was certainly cold and it was certainly dark...

Alderman Gatsas interjected were the lights on in the bus.

Deputy Solicitor Arnold replied the lights were on in the bus in my recollection.

Alderman Gatsas responded how about if I ask this Board if they remember them being on.

Deputy Solicitor Arnold replied that is not pertinent but that discontinuance was contingent on the City obtaining easements over this triangle of land that was acceptable to the City Solicitor's Office and then reported in the Registry of Deeds.

Alderman Gatsas asked and what were we exchanging for that.

Deputy Solicitor Arnold answered we were exchanging the fee under South Bedford Street.

Alderman Gatsas asked so right now the exchange was South Bedford Street for the triangular piece.

Deputy Solicitor Arnold responded for easements across the triangular piece.

Alderman Gatsas stated my belief was that we were exchanging South Bedford Street for that triangular piece – not easements but we were exchanging the land.

Deputy Solicitor Arnold replied I don't believe that is the case. Back at that time the City did not want title to the land because there were hazardous waste issues with it. We wanted an easement across it for a public road, but I don't believe we wanted to take title to it.

Chairman Lopez stated let me jump in here for a second. In reference to this, it has a lot to do with the hotel going in there and the land that was given up by Mr. Blouin and that little piece there is the triangle that you spoke of – 882 square feet. The hotel goes there either now or later. They are still going to need that piece, is that correct?

Deputy Solicitor Arnold responded they are going to have a parking easement for part of the larger triangle, yes.

Chairman Lopez replied so in either case action has to be taken either now and I understand and correct me if I am wrong but we are only making a recommendation to the full Board and they have to act on this correct.

Deputy Solicitor Arnold responded that is my understanding, yes.

Alderman Gatsas stated Mr. Chairman I certainly would like all of the information before us. Maybe somebody can run down and get us a copy of that because I don't believe that in the conversation we were having it was strictly an easement. Why would we have given up Bedford Street for an easement?

Chairman Lopez responded I think we have some staff back here who can refresh his memory. We have Frank Thomas and Tom Clark. If they can add to this, I think it is appropriate.

Mr. Frank Thomas stated I have to agree with what Tom Arnold has stated. We did not want to have ownership in that area because of the contaminants. We just wanted the right-of-way across that from Day 1. In any of my discussions with the engineers working on the project, etc. it was always just to have a right-of-way across there.

Alderman Gatsas moved to table this item.

Alderman DeVries stated since Alderman Gatsas will have the opportunity before the full Board to further this discussion, we should move this along at this time.

Chairman Lopez asked is there a second on the motion to table.

Alderman Gatsas asked is this coming before the full Board this evening.

Chairman Lopez answered not this evening because it is the Finance meeting that we are having. It will come before the full Board tomorrow night.

Alderman Gatsas asked will we have all of the information according to the Lease and all minutes of the meeting when we had the road hearing.

Chairman Lopez stated staff will make sure that we have that information.

Deputy Solicitor Arnold stated my recollection of the actual vote was a discontinuance of South Bedford Street contingent on Mr. Blouin granting easements.

Alderman Gatsas responded I just want the minutes of the meeting.

Chairman Lopez stated I don't have a second to the motion to table. There is a motion on the table to approve the request to release a small parcel of land from the Master Lease with Manchester Downtown Visions, LLC. Chairman Lopez called for a vote on the motion. The motion carried with Alderman Gatsas being duly recorded in opposition.

Deputy Clerk Normand stated we received a letter from Skip Ashooh that was handed out. It is regarding the real estate appraisal. A motion would be in order to move into non-public session pursuant to RSA 91-A:3 II (d).

Alderman Gatsas stated I made it very clear that Mr. Brooks had to come to us with a proposal on Derryfield Park at the next meeting we had.

Chairman Lopez responded I will take care of that in a minute. We are going to take care of this situation first.

Alderman Smith moved to enter into non-public session pursuant to RSA 91-A:3 II (d) for the consideration of the acquisition, sale or lease of real or personal property. Alderman DeVries duly seconded the motion. A roll call vote was taken. Aldermen Lopez, Guinta, DeVries and Smith voted yea. Aldermen Gatsas voted nay. The motion carried.

On motion of Alderman DeVries, duly seconded by Alderman Smith it was voted to reenter public session.

Deputy Clerk Johnson stated the Committee met for the purpose that was stated and on motion made and duly seconded, Alderman DeVries by Alderman Smith, it was voted to seal the minutes of that session. Alderman Gatsas was duly recorded as opposed. I believe that there is a motion that the Chairman wishes to request at this time.

Chairman Lopez stated at this time I will entertain a motion that the price of the riverfront property be set at \$3.1 million and that we release the appraisal.

Alderman DeVries moved to set the price of the riverfront property at \$3.1 million and to release the appraisal. Alderman Smith duly seconded the motion. Chairman Lopez called for a vote. The motion carried with Alderman Gatsas being duly recorded in opposition.

Alderman Smith stated I want to bring up Gill Stadium. I want to congratulate Frank Thomas and Harvey Construction. There are several things that bother me. One is the surface, the rubber surface that is still playing a big part in the safety

and I guess according to Alderman Gatsas cost them a game the other night. Do you have anybody to address that?

Mr. Thomas responded we are working with Parsons Brinckerhoff. I am suggesting that they go out and contact another turf company, such as FieldTurf to examine the situation. Harvey has noted to us on a couple of different occasions that the installation has been done according to specs so I think what we want to do is try to get a different set of eyes to take a look at it and that is what we are in the process of doing.

Alderman Smith stated as you well know I noticed that the West wall is a real safety hazard and I brought this to your attention. It is collapsing.

Mr. Thomas responded again I have asked Harvey Construction to give me an estimate to repair that wall. They had their masons out there today and I should be receiving a copy of their estimate to do that corrective work tomorrow. Once I have received that estimate I will most likely have to come back looking for some money to repair it.

Alderman Gatsas asked Frank have you paid any more invoices. Are we on schedule on price for Gill Stadium? Are we over budget or under budget or on budget?

Mr. Thomas answered we are right on budget right now. The team has picked up some costs on their own for modifications that they wish to make. The GMP is still on budget. I am still within the \$850,000 even though we have had some extra work done on the City side like reglazing of windows, painting and other odds and ends. In addition, I plan on doing some repair work to the existing fence to improve security.

Alderman Gatsas stated Mr. Chairman you said that Mr. Brooks would be before us to give us a final answer at this meeting on Derryfield Park and the amenities that are there.

Chairman Lopez responded I agree but as Chairman I made a decision not to have him before this meeting because of the technical aspects of it. The lawyer for Drew Weber and Tom Clark have to get together and because last week was a school vacation week it didn't happen. Tom Clark was out and Mr. Weber's lawyer didn't contact him yet.

Alderman Gatsas stated this thing has been lingering for a year and Derryfield Park right now with the playground equipment that is there is probably one of the most used parks in the City. Now I would think that...you know we have done

everything to go forward on this project except what the promises were that were made to us at Derryfield Park. When is that ever going to happen or did we just forget about it?

Chairman Lopez responded I assure you...

Alderman Gatsas interjected you assured me last time that we were going to have this conversation tonight.

Chairman Lopez replied that is correct but as I indicated to you there is a technical and legal thing and I am not an attorney but that is why we have an attorney to review the recommendation by Andrea and Mr. Weber and that will be forthcoming. Mr. Clark can you assure me that you will contact Andrea tomorrow and work out the details so we can end this thing?

Solicitor Clark responded it is in the hands of Atty. Miller, not Andrea, at this point. We did have a discussion today and the problem was that when Mr. Brooks was putting his figures together not everyone was in last week to enable him to put together his final draft. I believe they said that they will have it within 10 days.

Chairman Lopez stated Alderman Gatsas as soon as they tell me they have the document I will call a special meeting for that.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman DeVries it was voted to adjourn.

A True Record. Attest.

Clerk of Committee